

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CANDACE MOORE-DARBY,

Plaintiff,

-against-

SCHOLASTIC, INC.,

Defendant.  
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09 Civ. 5350 (KMW) (FM)

ORDER

KIMBA M. WOOD, U.S.D.J.:

Pro se Plaintiff failed to appear before the magistrate judge for an initial case management conference that was scheduled for April 14, 2010. The magistrate judge issued an order directing Plaintiff to show cause, in writing and no later than April 28, 2010, why the Court should not dismiss the action without prejudice for want of prosecution pursuant to Rule 41 of the Federal Rules of Civil Procedure. (DE 13.) The order cautioned that a failure to respond to the Court's order may result in the dismissal of Plaintiff's action. Plaintiff did not submit any response to the magistrate judge's order.

By Report and Recommendation dated May 3, 2010 (the "Report"), the magistrate judge recommended that the case be dismissed without prejudice. (DE 14.) The Report informed the parties that, pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b), in conjunction with Rules 6(a) and 6(e), any objections to the Report must be served and filed within fourteen days. The Report informed the parties of their opportunity to request an extension of time to file such objections.

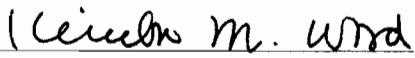
No objections have been filed, and the time to object has expired. See IUE AFL-CIO Pension Fund v. Herrmann, 9 F.3d 1049, 1054 (2d Cir. 1993). The Court has reviewed the

Report and finds it to be free of “clear error.” Fed. R. Civ. P. 72(b) advisory committee’s note; see also Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). The Court therefore accepts and adopts the Report.

The Court dismisses Plaintiff’s action without prejudice for want of prosecution. The Clerk of the Court is directed to close the case. Any pending motions are moot.

SO ORDERED.

Dated: New York, New York  
June 15, 2010

  
Kimba M. Wood  
United States District Judge